

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	Case No. 14-16081-MDC
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BARRY PORTNOY	:	Chapter 7
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**MICHAEL CARSON'S ASSERTION OF THE WORK PRODUCT PRIVILEGE, PER
THE COURT'S JANUARY 25, 2018 ORDER**

Michael Carson, Esquire hereby asserts the work product privilege with respect to the documents identified below.

I. BACKGROUND

1. At all times relevant hereto, specifically including March 1, 2012, through September 30, 2015, I was personal counsel to Barry Portnoy and corporate counsel to Alchem Environmental Services, Demrex Industrial Services, BF Services, Drakes Creek Reserve Partnership, and GP of Drakes Creek Reserve Partnership.
2. In that capacity, I represented Mr. Portnoy or his interests in various pieces of litigation.
3. In connection with that representation, I generated numerous documents on behalf of my clients in connection with, or in anticipation of, litigation.

II. ASSERTION OF WORK PRODUCT PRIVILEGE

4. I hereby assert the work product privilege with respect to the following documents, for the reasons indicated below each document number.¹

Document No. 104

NO.	E-MAIL DATE	AUTHOR	RECIPIENT	CC	ATTACH-MENTS	E-MAIL SUBJECT TITLE	REFERENCED LITIGATION (CASE CAPTION)	DESCRIPTION
104	01/10/13	Michael Carson	Barry Portnoy		Y	Lawsuits	List of all litigation in which Alchem et al are plaintiff and/or defendant, which includes all litigation identified elsewhere in this privilege log	Communication between general counsel and client attaching list of litigation information prepared by general counsel

Document No. 230


NO.	E-MAIL DATE	AUTHOR	RECIPIENT	CC	ATTACH-MENTS	E-MAIL SUBJECT TITLE	REFERENCED LITIGATION (CASE CAPTION)	DESCRIPTION
230	05/14/12 05/11/12	Michael Carson Barry Portnoy	Barry Portnoy Michael Carson		Y	Information needed Monday	Bank of The West v. Alchem Environmental, United States District Court Eastern District of Pennsylvania Case No. NO. 12-cv-1080; Alchem Environmental v. TRI-C Construction Company Pennsylvania CCP Berks County Nos. 09-10536 and 09-11004; and Operating Engineers' Local 324 Fringe Benefit Funds, et al., v. Demrex et al., United States	Communications between general counsel and client containing mental impressions/opinions regarding litigation and attaching draft litigation lists prepared by counsel and client

¹ Moreover, it is my understanding that, beyond the documents identified on Mr. Portnoy's privilege log, there are other versions of litigation spreadsheets that I created, that were on the computers/drives imaged by the Chapter 7 Trustee. While I have not been presented with those documents to review, my recollection of those documents is that they would also be protected by the work product privilege.

							District Court Eastern District of Michigan, Southern Division No. 10-15072	
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WHEREFORE, for the foregoing reasons, I respectfully request that the Court recognize my claim of work product privilege with respect to the documents identified herein as valid and decline to order their production.

Respectfully submitted,


Michael Carson, Esq. 1/31/18